

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

1. Unlawful interference or denial of rights. The employer may not interfere with, restrain or deny the exercise of or the attempt to exercise any right provided by this subchapter.

2. Unlawful discrimination against exercise of rights. The employer may not discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee for exercising any right provided by this subchapter.

3. Unlawful discrimination against opposition. The employer may not discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee for opposing any practice made unlawful by this subchapter.

§848. Judicial enforcement

A civil action may be brought in the appropriate court by an employee against any employer to enforce this subchapter. The court may enjoin any act or practice that violates or may violate this subchapter and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce this subchapter. The court may also order the employer to pay as liquidated damages \$100 to the employee for each day the violation continues.

§849. Review; sunset

The joint standing committee of the Legislature having jurisdiction over labor shall review the provisions and effectiveness of this subchapter before March 15, 1990. This subchapter is repealed July 1, 1990.

Effective August 4, 1988.

CHAPTER 662

H.P. 1692 — L.D. 2321

AN ACT to Clarify the Reporting Mechanism of the Student Assessment Program.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §6204, sub-§1, ¶A is enacted to read:

A. When a report is made under this subsection for purposes of comparative analysis, the reporting mechanisms and the categories reported shall be uniform for each school.

Sec. 2. 20-A MRSA §6204, sub-§2, ¶A is enacted to read:

A. Every profile provided under this subsection shall use reporting mechanisms and categories which are

uniform for each school.

Effective August 4, 1988.

CHAPTER 663

H.P. 1863 — L.D. 2549

AN ACT to Amend the Maine Business Corporation Act to Define the Liability of Directors and to Modernize Indemnification Provisions.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 13-A MRSA §716, as amended by PL 1985, c. 394, §2, is further amended by adding at the end a new paragraph to read:

A director shall not be held personally liable for monetary damages for failure to discharge any duty as a director unless the director is found not to have acted honestly or in the reasonable belief that the action was in or not opposed to the best interests of the corporation or its shareholders.

Sec. 2. 13-A MRSA §719, as repealed and replaced by PL 1975, c. 439, §7, is repealed and the following enacted in its place:

§719. Indemnification of officers, directors, employees and agents; insurance

1. A corporation shall have power to indemnify or, if so provided in the bylaws, shall in all cases indemnify, any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that that person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, trustee, partner, fiduciary, employee or agent of another corporation, partnership, joint venture, trust, pension or other employee benefit plan or other enterprise, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by that person in connection with such action, suit or proceeding; provided that no indemnification may be provided for any person with respect to any matter as to which that person shall have been finally adjudicated:

A. Not to have acted honestly or in the reasonable belief that that person's action was in or not opposed to the best interests of the corporation or its shareholders or, in the case of a person serving as a fiduciary of an employee benefit plan or trust, in or not opposed to the best interests of that plan or trust, or its participants or beneficiaries; or

B. With respect to any criminal action or proceeding,